



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/698,077

10/30/2000

Kenneth Wills

08250.0045-02

3296

826

7590

05/24/2006

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

LUU, MATTHEW

ART UNIT

PAPER NUMBER

3663

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAY 24 2006

GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/698,077
Filing Date: October 30, 2000
Appellant(s): WILLS, KENNETH

Chad L. Thorson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 30, 2006 appealing from the Office action mailed October 31, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Related U.S. Patent Application No. 10/367,001 to Kenneth Wills entitled METHODS AND SYSTEM FOR INFORMATION SEARCH AND RETRIEVAL is currently under appeal with Examiner Javid Amini in art unit 2672.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

Art Unit: 3663

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,498,982	BELLESFIELD ET AL	12-2002
5,802,492	DELORME ET AL	9-1998
5,682,525	BOUVE ET AL	10-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-30 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellesfield et al (6,498,982) in view of DeLorme et al (5,802,492).

Claims 29 and 38.

Bellesfield discloses (Figs. 4, 6 and 10-11) a method that displays a traveling route between a destination point and a departure point. This method also generates a list of places on interest, such as hotel, restaurant, attraction, etc. within a predetermined distance of the traveling route. This method also retrieves information, comprising:

 sending a request identifying at least a first site (a departure point), a second site (a destination point) and a type of location of interest (the places of interest, such as hotel, restaurant, attraction, etc.) (Column 2, lines 24-27; column 3, lines 58-62 and column 6, lines 55-59); and

 receiving information associated with the first and second sites (the departure and destination points) and selected based on the type of location of interest (the places of interest, such as hotel, restaurant, attraction, etc.)

Bellesfield further shows (Fig. 6) the method that generates a geometric curve shaped route between the first site (any selected departure points C or A) and the second site (any selected destination points B or E). See column 7, lines 25-30.

The only difference between the disclosure of Bellesfield and the claimed invention is that claims 29 and 38 require generating a geometric shape based on the first site and second site.

However, DeLorme (5,802,492) discloses a Computer Aided Routing and Positioning System (CARPS) that determines a route along selected waypoints. These waypoints include a travel origin (first site), a travel destination (second site) and the intermediate waypoints there between (Abstract).

DeLorme further discloses (Fig. 1N) a DeLorme MAP'N'GO travel plan. This MAP'N'GO include a point of departure at the bottom (first site) and destination (second site) at the top of a strip map format (Column 17, lines 34-38). The user can enter the point of departure and the destination using a menu displayed on a computer screen (Column 16, lines 39-42). Thus, DeLorme clearly teaches the computer aided routing system that generates "a geometric shape" (the rectangular shaped map) based on the first site (departure point) and second site (destination) as claimed.

DeLorme further discloses (Fig. 5) a displayed map (501) that includes a plurality of waypoints (510, 512 and 514). These waypoints include a starting place, a destination and the intermediate locations there between (Column 46, lines 43-48). The displayed map (501) shows the starting place (South Place 510), the destination (North Place 514) and the intermediate location (Place 512) there between (Column 45, lines 38-45). Therefore, DeLorme clearly teaches the computer aided routing system that generates "a geometric shape" (the rectangular displayed map 501) based on the first site (South Place 510) and second site (North Place 514) as claimed.

Therefore, based on the teaching of Figs. 1N and 5, it would have been obvious to a person of ordinary skill in the art to use the method that displays a rectangular map of DeLorme into the method for displaying a travel route of Bellesfield to provide a more efficient computer aided routing method. This routing method also allows the user to construct a highly selective travel route incorporating waypoints selected by the user.

Bellesfield discloses (Figs. 5 and 6) a first distance value representing the distance between the first site and the second site (for example, the distance between point C and the destination point A), and a second distance value representing a function performed on the first distance value (the distance between the point C and destination point A plus the additional destination point B; i.e. $C+A+B$) (Column 7, lines 54-62).

DeLorme also discloses (Fig. 5A) a geometric shape (circle) is generated base on a first distance value representing the distance between the first site (location 534) and the second site (any location on the circle with the radius R, 541). The user can adjust or resize this radius R (Column 51, lines 5-7). Thus, if the user selects any point outside the circle, then radius will become a larger distance for searching more points of interest (POIs) (Column 51, lines 5-11). Therefore, the second distance value (the distance between the location 534 and the location on a larger radius) represents a

Art Unit: 3663

function performed on the first distance value (the distance between the location 534 and the point on the non-enlarging circle).

Claims 30 and 39.

DeLorme further teaches (Fig. 5) the information includes information related to locations of interest (points of interest, POIs, 505) that are associated with the type of location of interest (Thing, Police, Fun, Eat and Camp) identified in the request (Column 45, line 63 to column 46, line 7). DeLorme further shows (Fig. 5) the locations of interest (POIs 505) are located within the geometric shape map (501).

Claim Rejections - 35 USC § 103

Claims 32-33 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouve et al (5,682,525) in view of DeLorme et al (5,802,492).

Claims 32 and 35.

Bouve discloses(Figs. 1 and 2) a method for searching and retrieving information, comprising:

receiving a request including a site (Fig. 2, hotel 36) and a type of location of interest ("items of interest" means services products, geographic sites, architectural sites, stores, restaurants, etc.) (Column 1, lines 61-63);

determining a range for the site (the range is the geographic vicinity of the map shown in Fig. 2. This geographic vicinity is within a walking distance) based on stored information associated with the type of location of interest (Column 6, lines 39-60); and providing trip planning information (the displayed map 30) based on the range, the type of location interest ("items of interest") and the site (hotel 36) (Column 5, lines 1-21).

The only difference between the disclosure of Bouve and the claimed invention is that claims 32 and 35 require "determining a range includes varying the range based on the number of locations of interest located within a predetermined distance of the site".

However, DeLorme discloses (Fig. 5) a displayed map (501) that includes a plurality of waypoints (510, 512 and 514). These waypoints include a starting place, a destination and the intermediate locations there between (Column 46, lines 43-48). DeLorme also discloses (Figs. 5A and 5B) a site location (534), a range for the site (radius R), and a number of locations of interest (points of interest (POIs)). DeLorme further teaches a user can adjust or resize this radius R to search for more locations points of interest (POIs) (Column 51, lines 5-11).

Thus, DeLorme clearly teaches "varying the range (resize the radius) based on the number of locations of interest (POIs) located within a predetermined distance of the

Art Unit: 3663

site (adjust or resize this radius R to search for more locations of interest (POIs)). See column 51, lines 5-11.

Since Bouve mentions "the user can select a greater radius for display, ...as needed" (Column 11, lines 11-14), it would have been obvious to the person of ordinary skill in the art to use the method that allows the user to adjust or resize the radius, as taught by DeLorme, into method for searching information of Bouve to allow the user to search for more points of interest in his/her traveling plan. This searching method also allows the user to construct a highly selective travel route incorporating waypoints selected by the user.

Claims 33 and 36.

Bouve discloses (Fig. 2) the trip planning information (displayed map 30) includes locations on interest (computer stores #1 and #2) located within the range of the site (within a walking distance range of the displayed map 30), and wherein the locations of interest are associated with the type of location ("items of interest") includes in the request (Column 1, lines 61-63).

Claim 37.

Bouve discloses (Fig. 2) wherein the range (the range is the geographic vicinity of the map shown in Fig. 2) is based on the number of locations of interest (computer

Art Unit: 3663

stores #1 and #2) located within a predetermined distance of the site (within a walking distance from the hotel 36).

(10) Response to Argument

Response With Regard to Claims 29-30 and 28-39 (Bellsfield in view of DeLorme)

Applicant argues, at page 5, with regard to claims 29-30 and 28-39 by asserting that

“In contrast to the claimed invention of amended independent claims 29 and 38, neither the Bellsfield patent nor the DeLorme patent teaches or suggests selecting information using a geometric shape having been generated based on a first distance value representing the distance between the first and second site, and a second distance value representing a function performed on the first distance value.” The examiner respectfully disagrees.

First of all, the drawings fail to show the claimed “a geometric shape” and “a second distance value representing a function performed on the first distance value “. Especially, the specification fails to provide a clear description of the “a second distance value representing a function performed on the first distance value”. Therefore, the examiner broadly interpret the geometric shape as the geometric curve shaped as disclosed by Bellesfied and the circle shape as disclosed by DeLorme.

Bellesfield shows (Fig. 6) the method that generates a geometric curve shaped route between the first site (any selected departure points C or A) and the second site (any selected destination points B or E). See column 7, lines 25-30.

DeLorme discloses (Fig. 1N) a DeLorme MAP'N'GO travel plan. This MAP'N'GO include a point of departure at the bottom (first site) and destination (second site) at the top of a strip map format (Column 17, lines 34-38). The user can enter the point of departure and the destination using a menu displayed on a computer screen (Column 16, lines 39-42). Thus, DeLorme clearly teaches the computer aided routing system that generates "a geometric shape" (the rectangular shaped map) based on the first site (departure point) and second site (destination) as claimed.

Regarding the second distance value, Bellesfield shows (Fig. 6) the method that generates a geometric curve shaped route between the first site (any selected departure points C or A) and the second site (any selected destination points B or E). See column 7, lines 25-30.

Bellesfield further discloses (Figs. 5 and 6) a first distance value representing the distance between the first site and the second site (for example, the distance between point C and the destination point A), and a second distance value representing a function performed on the first distance value (the distance between the point C and

Art Unit: 3663

destination point A plus the additional destination point B; i.e. $C+A+B$) (Column 7, lines 54-62).

On the other hand, DeLorme also discloses (Fig. 5A) a geometric shape (circle) is generated base on a first distance value representing the distance between the first site (location 534) and the second site (any location on the circle with the radius R, 541). DeLorme also teaches "user can adjust or resize this radius R" (Column 51, lines 5-7). Thus, if the user selects any point outside the circle, then radius will become a larger second distance for searching more points of interest (POIs) (Column 51, lines 5-11). Therefore, the second distance value (the distance between the location 534 and the location on a larger radius) represents a function performed on the first distance value (the distance between the location 534 and the point on the non-enlarging circle).

Furthermore, neither the drawings nor the specification describes the claimed "a second distance value representing a function performed on the first distance value ". The examiner read this claimed limitation broadly based on the Bellesfield reference and the DeLorme reference as set forth above.

Response With Regard to Claims 32-33 and 35-37

Applicant argues, at page 8, by asserting that neither the Bouve patent nor the DeLorme patent teaches or suggests "based on the stored information associated with the type of location of interest". The examiner respectfully disagrees.

Bouve clearly teaches the stored information (database) associated with the type of location of interest (items of interest) (Column 1, line 60 to column 2, line 4).

In response to applicant's argument, at page 9, that the Bouve does not show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the scope of the vicinity is based upon a type of location of interest) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Bouve discloses(Figs. 1 and 2) a method for searching and retrieving information, comprising:

receiving a request including a site (Fig. 2, hotel 36) and a type of location of interest ("items of interest" means services products, geographic sites, architectural sites, stores, restaurants, etc.) (Column 1, lines 61-63);

determining a range for the site (the range is the geographic vicinity of the map shown in Fig. 2. This geographic vicinity is within a walking distance) based on stored information associated with the type of location of interest (Column 6, lines 39-60); and

providing trip planning information (the displayed map 30) based on the range, the type of location interest ("items of interest") and the site (hotel 36) (Column 5, lines 1-21).

The only difference between the disclosure of Bouve and the claimed invention is that claims 32 and 35 require “determining a range includes varying the range based on the number of locations of interest located within a predetermined distance of the site”.

However, DeLorme (5,802,492) discloses a Computer Aided Routing and Positioning System (CARPS) that determines a route along selected waypoints. These waypoints include a travel origin (first site), a travel destination (second site) and the intermediate waypoints there between (Abstract).

DeLorme further discloses (Fig. 5) a displayed map (501) that includes a plurality of waypoints (510, 512 and 514). These waypoints include a starting place, a destination and the intermediate locations there between (Column 46, lines 43-48). DeLorme also discloses (Figs. 5A and 5B) a site location (534), a range for the site (radius R), and a number of locations of interest (points of interest (POIs)). DeLorme further teaches a user can adjust or resize this radius R to search for more locations points of interest (POIs) (Column 51, lines 5-11).

Thus, DeLorme clearly teaches “varying the range (resize the radius) based on the number of locations of interest (POIs) located within a predetermined distance of the site (adjust or resize this radius R to search for more locations of interest (POIs)). See column 51, lines 5-11.

Art Unit: 3663

Since Bouve mentions "the user can select a greater radius for display, ...as needed" (Column 11, lines 11-14), it would have been obvious to the person of ordinary skill in the art to use the method that allows the user to adjust or resize the radius, as taught by DeLorme, into method for searching information of Bouve to allow the user to search for more points of interest in his/her traveling plan. This searching method also allows the user to construct a highly selective travel route incorporating waypoints selected by the user.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Primary Examiner Matthew Luu



MATTHEW LUU
PRIMARY EXAMINER

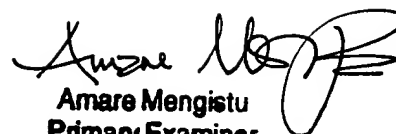
Conferees:

SPE Bipin Shalwala



BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2000

Primary Examiner Amare Mengistu


Amare Mengistu
Primary Examiner